



APPOMATTOX COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

P.O. Box 863, Appomattox, VA 24522 Phone: (434) 352-2637
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At the regular meeting of the County of Appomattox, Virginia, Board of Supervisors held at the CVCC-Appomattox Center on the 17th day of October, 2016, beginning at 6:30 p.m.

AN ORDINANCE TO AMEND AND READOPT THE APPOMATTOX COUNTY ZONING ORDINANCE BY REVISING CERTAIN PROVISIONS OF THE ZONING ORDINANCE TEXT AND READOPTING CERTAIN PROVISIONS AS DESCRIBED IN THE FOLLOWING PARAGRAPHS

WHEREAS, the original Zoning Ordinance was adopted in 1988 and was overhauled in 2014 with input from community surveys, public meetings, with study and analysis by the Planning Commission; and

WHEREAS, from time to time, for good zoning practice or in the judgement of the citizens, staff, the Planning Commission or the Board of Supervisors an area of text needs amending to better serve the purpose of zoning and the community at-large; and

WHEREAS, the current definition of a cemetery in §19.6-12 is “a privately or church owned and / or operated place of burial of the dead, where lots may be sold and perpetual care of the graves may be furnished.” and it is the desire of this Board to delete this definition; and

WHEREAS, two new definitions shall be added to the zoning ordinance in §19.6-12, the first being “CEMETERY, FAMILY OR CHURCH -A family, individual, or church owned place for the final disposition of human remains.” and the second being “CEMETERY, PRIVATE, ASSOCIATION, OR FOR-PROFIT- A privately owned and/or operated place for storage of human remains where lots or storage places may be sold and perpetual care is furnished.”; and

WHEREAS, the land use category “Cemetery, Family or Church” shall be added to the permitted use list in §19.6-67 B. -A-1, Agricultural District, §19.6-68 B.- R-1, Low-Density Residential District, §19.6-69 B.-R-2, Medium-Density Residential District, §19.6-70 B.- R-3, High-Density Residential District, §19.6-71 B.-V-1, Village Center District, and §19.6-72 B. – B-1, General Commercial District; and

WHEREAS, the land use category “Cemetery, Private, Association, or For-Profit” shall be added to the conditional use list in §19.6-67 C. -A-1, Agricultural District, §19.6-68 C.- R-1, Low-Density Residential District, §19.6-69 C.-R-2, Medium-Density Residential District, §19.6-70 C.- R-3, High-Density Residential District, §19.6-71 C.-V-1, Village Center District; and

WHEREAS, the land use category “Cemetery, Private, Association, or For-Profit” shall be added to the permitted use list in §19.6-72 B. – B-1, General Commercial District; and

WHEREAS, the land use category “Cemetery” shall be deleted from the conditional use list in §19.6-67 C. -A-1, Agricultural District, §19.6-68 C.- R-1, Low-Density Residential District, §19.6-69 C.-R-2, Medium-Density Residential District, §19.6-70 C.- R-3, High-Density Residential District, §19.6-71 C.-V-1, Village Center District and the permitted use list in §19.6-72 B. – B-1, General Commercial District; and

WHEREAS, additional regulations shall be added as Section 19.6-87.2 Cemetery, Family or Church and Cemetery, Private, Association, or For-Profit and contain the following requirements: (1) The location of any new cemetery shall be sufficiently documented by a land survey, recorded in the office of the Clerk of the Circuit Court, so as to inform prospective and future property owners of the presence and location of such cemetery. (2) The minimum lot size for a cemetery lot shall be one-half acre. No road frontage shall be required for lots designated on a survey as a “cemetery lot”. (3) An easement for ingress/egress shall be provided on the survey at a minimum width of 20 feet. (4) Interment must be a minimum of 5 feet from the boundary of the lot and the lot must be a minimum of 100 feet from any active well.; and

WHEREAS, the proposed amendments were advertised as required by Virginia Code §15.2-2204 and the proposed amendments have undergone properly advertised public hearing by the Planning Commission on September 12, 2016 and by the Board of Supervisors on October 17, 2016; and

WHEREAS, the Planning Commission carefully considered the presentation of staff, the Comprehensive Plan, the comments from the public hearing and provided an affirmative recommendation for the proposed amendments ; and

WHEREAS, the Board of Supervisors finds that the public necessity, convenience, general welfare, or good zoning practice requires adoption of an ordinance to amend Zoning Ordinance of Appomattox County;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF APPOMATTOX COUNTY, VIRGINIA to amend and readopt, as described herein, the Appomattox County Zoning Ordinance.

Adopted this day, October 17, 2016.

Samuel E. Carter, Chairman

Attest

Susan M. Adams, Administrator